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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HAQ, MOHAMMAD AAMIR

ART UNIT PAPER NUMBER

2614

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/766,088	Applicant(s) LUNDELL ET AL.	
	Examiner Aamir Haq	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 9, 11 - 14, 16, 17, 19, 21, 23, 25 - 26 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,13,14,16,17,19,21 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5, 6, 9, 11, 12, 23 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is in response to applicant's amendment filed 10/3/06. Claims 1 – 3, 5, 6, 9, 11 – 14, 16, 17, 19, 21, 23 and 25 - 26 are pending in the present application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,161,944 (Leman).

As to claim 1, Leman teaches a mobile communication device, comprising:

- a first housing (see fig. 3 and 4 of Leman);
- a hinge coupled to the first housing (see fig. 3 and 4 of Leman);
- a second housing coupled to the hinge (see fig. 3 and 4 of Leman);
- a mobile communication device numeric keypad coupled to the first housing, the mobile communication device numeric keypad having an external visible portion (see fig. 3 and 4 of Leman);
- a light source connected to the second housing, the light source configured to direct light substantially directly at the external visible portion

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of the mobile communication device numeric keypad to illuminate the mobile communication device numeric keypad (see fig. 3 and 4 of Leman)

- wherein the mobile communication device further comprises,
- a first housing (see fig. 3 and 4 of Leman);
- a hinge coupled to the first housing(see fig. 3 and 4 of Leman);
- a second housing coupled to the hinge(see fig. 3 and 4 of Leman);
- wherein the mobile communication device numeric keypad is coupled to the first housing (306 and 308 in fig. 3 of Leman)
- wherein the light source is coupled to the second housing (300 in fig. 3 of Leman)

Note that a laptop reads on the claimed "mobile communication device."

In addition note that the portion of the laptop with the keyboard is interpreted as the first housing. The portion with the display and light is interpreted as the second housing.

As to claim 6, see col. 1 lines 65 – 67.

3. Claims 1, 5, 11, 23 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,254,249 (Kim et al.) hereinafter "Kim".

As to claim 1, Kim teaches a mobile communication device, comprising:

- a first housing (see fig. 1 – 3). Note that the first housing is interpreted as the hosing with the keypad (20 in fig. 3);
- a hinge coupled to the first housing (18 in fig. 3);
- a second housing coupled to the hinge (12 in fig. 3);

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- a mobile communication device numeric keypad (20 in fig. 3) coupled to the first housing, the mobile communication device numeric keypad having an external visible portion (see fig. 3);
- a light source (14-2 and 14-3 in fig. 3), connected to the second housing, the light source (14-2 and 14-3) configured to direct light substantially directly at the external visible portion of the mobile communication device numeric keypad (20) to illuminate the mobile communication device numeric keypad (see fig. 3 and 4 of Lemman). Note that lights 14-2 and 14-3 in fig. 3 read on the claimed “to direct light substantially directly at the external visible portion of the mobile communication device numeric keypad” because the two lamps will provide a substantial amount of light in the direction of the keypad. It is noted that lamp 20 (see fig. 7) provides more light in the direction of the keypad, but this does not discount the fact that lights 14-2 and 14-3 provide additional light substantially directly at the external visible portion of the mobile communication device numeric keypad
- wherein the mobile communication device further comprises,
- a first housing (see fig. 1 – 3). Note that the first housing is interpreted as the housing with the keypad (20 in fig. 3);
- a hinge coupled to the first housing (18 in fig. 3);
- a second housing coupled to the hinge (12 in fig. 3);
- wherein the mobile communication device numeric keypad (20) is coupled to the first housing;

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- wherein the light source is coupled to the second housing (14-1 and 14 – 2 in fig. 3)

As to claims 5 and 26, Kim teaches a display (50 in fig. 3) coupled to the second housing and a speaker (40 in fig. 3) coupled to the second housing.

As to claim 11, see the rational for the rejection of claim 23. Additionally, Kim teaches that the hinge (18) comprises a hinge section coupled to the first housing, the hinge section including a pivot housing and wherein the second housing is coupled to the hinge section, the second housing including a second housing hinge section including the light source, the second hinge housing section configured to expose the light source external to the mobile communication device when the first housing is closed against the second housing (see fig. 1 and 3);

As to claim 23, Leman teaches a mobile communication device, comprising:

- a first housing (see fig. 1 – 3). Note that the first housing is interpreted as the housing with the keypad (20 in fig. 3);
- a hinge coupled to the first housing (18 in fig. 3);
- a second housing coupled to the hinge (12 in fig. 3);
- a mobile communication device numeric keypad (20 in fig. 3) coupled to the first housing, the mobile communication device numeric keypad having an external visible portion (see fig. 3);
- a light source (14-2 and 14-3 in fig. 3) connected to the second housing (12), the light source (14-2 and 14-3) configured to direct light substantially

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- directly at the external visible portion of the mobile communication device numeric keypad (20) to illuminate the mobile communication device numeric keypad. Note that lights 14-2 and 14-3 in fig. 3 read on the claimed "to direct light substantially directly at the external visible portion of the mobile communication device numeric keypad" because the two lamps will provide a substantial amount of light in the direction of the keypad. It is noted that lamp 20 (see fig. 7) provides more light in the direction of the keypad, but this does not discount the fact that lights 14-2 and 14-3 provide additional light substantially directly at the external visible portion of the mobile communication device numeric keypad
- wherein the second housing comprises an open position and a closed position, (see fig. 2 and fig. 3);
 - wherein the light source is configured to direct light substantially at the external visible portion of the mobile communication device numeric keypad when the second housing is in the open position (see fig. 3 and note above);
 - wherein the light source is configured to direct light external to the mobile communication device when the second housing is in the closed position (see fig. 1 and 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,254,249 (Kim et al.) in view of US 2002/0177467 (Hsu).

As to claims 6 and 12, Kim has been discussed above. Kim does not disclose expressly that the light source is one of an incandescent light source and a light emitting diode light source (LED) or a laser pointer. However, Hsu discloses that a light source within a mobile device may be a bulb, LED, laser beam emitter or other suitable device (Abstract, ¶¶0003, 0013 of Hsu).

Kim and Hsu are analogous art because they are directed toward the same problem solving area, namely illuminating in mobile devices. At the time of the invention it would have been obvious to a person ordinary skill in the art to use an incandescent light, LED or laser beam in view of the teachings of Hsu in the mobile communication device of Kim. The motivation for doing so would have been because Kim uses a plurality of "illuminating devices" (14-1, 14-2, 14-3, 14-4, 15 and 19 in figs. 1 – 3). It would have been obvious to use LEDs or incandescent as the illuminating devices since these are the notoriously old and well known light sources. A laser beam would enable a user to use the phone as a pointer (¶¶0003, 0013, 0014 of Hsu). The configuration of Kim would be perfect for laser beam pointer as shown in fig. 6 of Kim. Therefore, it would have been obvious to combine Hsu with Kim and Leman to obtain the invention as specified in claims 6 and 12.

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5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,161,944 (Leman) in view of US 2003/0107554 (Motegi).

As to claim 9, Leman has been discussed above. Leman does not disclose expressly that the keypad comprises an opaque numeric keypad. However, Motegi discloses an opaque numeric keypad (¶0030 of Motegi).

Motegi and Leman are analogous art because they are from the same filed of endeavor, namely input devices. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use an opaque numeric keypad in view of the teachings of Motegi. The motivation for doing so would have been because Leman had to use either a transparent, translucent or opaque keypad. All three types are notoriously old and well known in the art. Almost all ordinary home/mobile phones and many other mobile devices use opaque keypads. It would have been design choice as to which type of keypad is better suited for the design of the mobile device. Therefore, it would have been obvious to use opaque keypads to obtain the invention as specified in claim 9.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,254,249 (Kim et al.) in view of US 2003/0107554 (Motegi).

As to claim 9, Kim has been discussed above. Kim does not disclose expressly that the keypad comprises an opaque numeric keypad. However, Motegi discloses an opaque numeric keypad (¶0030 of Motegi).

Motegi and Kim are analogous art because they are from the same filed of endeavor, namely input devices. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use an opaque numeric keypad in view of the teachings of Motegi. The motivation for doing so would have been because Kim had to use either a transparent, translucent or opaque keypad. All three types are notoriously old and well known in the art. Almost all ordinary home/mobile phones and many other mobile devices use opaque keypads. It would have been design choice as to which type of keypad is better suited for the design of the mobile device. Therefore, it would have been obvious to use opaque keypads to obtain the invention as specified in claim 9.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 5, 6, 9, 11, 12, 23 and 26 have been considered but are moot in view of the new ground(s) of rejection. The finality of the rejection was removed because the dependent claim 4 was moved into the independent claim, as discussed in applicant's arguments.

After further review, both Kim et al. and Leman anticipate the claimed subject matter under 102(b). The laptop of Leman reads on the claimed "mobile communication device."

Additionally, lights (14-1 and 14-2 in fig. 3 of Leman) read broadly on the claimed, "direct light substantially directly at the external visible portion of the mobile communication device numeric keypad" when the device is in the open position. Moreover, lights (14-1 and 14-2 in fig. 3 of Leman) read broadly on the

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claimed, "wherein the light source is configured to direct light external to the mobile communication device when the second housing is in the closed position."

Lastly, applicant should note *In re Japikse*, 86 USPQ 70 (CCPA 1950) which provides that it is obvious to shift the location of parts.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aamir Haq whose telephone number is 571-272-5511. The examiner can normally be reached on Mon thru Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



A.H.
October 16, 2006



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